

REMARKS

The claims are 16, 18-20, 23 and 24, with claims 16, 23 and 24 being independent. Claims 17, 21 and 22 have been cancelled without prejudice or disclaimer. Claim 16 has been amended to recite the aqueous alkanoic solvents of claim 17. Claims 23 and 24 have been written to read in independent form. No new matter has been added.

The Examiner has rejected claims 16-24 under 35 U.S.C. 101 as allegedly claiming the same invention as that of claims 1-9 of prior U.S. Patent No. 6,664,278. Applicants respectfully traverse this rejection.

Applicants note that claims 1-7 of U.S. Patent No. 6,664,278 are directed to a compound, whereas original claims 16-24 as well as the currently presented claims 16, 18-20, 23 and 24 of the subject application are directed to a process. Accordingly, the claims of the subject application and claims 1-7 of U.S. Patent No. 6,664,278 are directed to different subject matter and cannot be considered to claim the same invention.

Applicants note that claims 8 and 9 of U.S. Patent No. 6,664,278 are directed to a process that is not the same as the subject claimed process. Claims 8 and 9 of U.S. Patent No. 6,664,278 are directed to a process comprising crystallization from aqueous ethanol, whereas the currently presented claims 16, 18-20, 23 and 24 of the subject application are directed to a process comprising crystallization from aqueous denatured ethanol, aqueous isopropanol or a mixture of aqueous denatured ethanol and aqueous isopropanol. Accordingly, the claims of the subject application and claims 8 and 9 of U.S. Patent No. 6,664,278 are of different scope and cannot be considered to claim the same invention.

To expedite prosecution of the subject application, Applicants enclose herewith an executed terminal disclaimer to U.S. Patent No. 6,664,278.

In view of the foregoing amendments and remarks, Applicants respectfully submit that the subject application is in condition for allowance. If the Examiner has any remaining objections or concerns, the Examiner is respectfully requested to contact Applicants' undersigned attorney to resolve such issues and advance the case to issue.

This Amendment is being filed together with a Petition for Extension of Time. In the event that these papers get separated, or there is any deficiency in the Petition, this constitutes a Petition for Extension of Time for the minimum period required to effect timely filing and consideration of this Amendment, together with authorization to charge any fees under 37 C.F.R. §1.16 or §1.17 which may be required by these papers to Deposit Account No. 19-2570.

Respectfully submitted,



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